



NORTHERN CHEYENNE TRIBE
ADMINISTRATION
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ET-18388

October 21, 2010

Mr. Ken Blodgett
Environmental Protection Specialist
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C.

Re: *Clarification of Northern Cheyenne Tribal Council Resolution No. DOI-147 (2010)*

Dear Mr. Blodgett:

The purpose of this letter is to provide clarification of the Northern Cheyenne Tribal Government's formal position on the Surface Transportation Board's (STB) proposed extension of the current Programmatic Agreement (PA), regarding the construction and operation of a rail by the Tongue River Railroad Company. Enacted Northern Cheyenne Tribal Council's (NCTC) Resolution No. DOI-147 (2010), opposing extension of the existing PA, which was previously transmitted to the STB is the controlling governmental action by the Tribe. The Tribal President may provide input regarding the extension of the PA, however, in accordance with the Tribe's Amended Constitution and Bylaws the Tribal Council is empowered to negotiate with the Federal Government on a formal government-to-government basis.

The NCTC may also delegate its authority to officers of the Tribe and the daily oversight over all cultural matters of the Northern Cheyenne Tribe has been previously delegated to Vice-President Joe Fox, Jr. through enactment of NCTC Resolution No. DOI-148 (2009) (see attached copy of this Tribal legislation). Vice-President Fox is the Tribe's primary contact person for formal government-to-government consultation involving current and future discussions regarding the Programmatic Agreement associated with the Tongue River Railroad Company. The Surface Transportation Board, the lead Federal agency in this matter, is welcome to contact Vice-President Fox to address the Northern Cheyenne Tribe's opposition to the extension of the PA and other potential alternatives to expiration of the PA noted above. My office and the Tribe's Culture Commission looks forward to resolving issues associated with the PA that protect and preserve our Indian Nation's interests.

Sincerely,



Joe Fox, Jr., Acting President
Northern Cheyenne Tribe

LITTLE WOLF AND MORNING STAR - Out of defeat and exile they led us back to Montana and won our Cheyenne homeland that we will keep forever.

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**cc: Leroy A. Spang, Northern Cheyenne Tribal President
Valerie Hauser, ACHP
Northern Cheyenne Tribal Council
N.C. Cultural Commission
N.C. Tribal Historic Preservation Office
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